

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

----- X

TODD BANK, *on behalf of himself*
and all others similarly situated,

Plaintiff,

No.: 1:18-cv-01311

-against-

NOTICE OF MOTION

CREDITGUARD OF AMERICA, INC.,
FREEDOM DEBT RELIEF, LLC,
FREEDOM FINANCIAL NETWORK LLC, and
FREEDOM FINANCIAL NETWORK FUNDING, LLC,

Defendants.

----- X

PLEASE TAKE NOTICE that, upon the Memorandum of Law of defendants, CreditGuard of America, Inc., Freedom Debt Relief, LLC, Freedom Financial Network, LLC, and Freedom Financial Network Funding, LLC (together, “Defendants”), the Declaration of Shon Lees, dated June 7, 2018, and the exhibit(s) attached thereto; and all pleadings, papers and proceedings held in this action, Defendants will move this Court before the Honorable Pamela K. Chen at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, NY at a date to be determined at the discretion of the Court, for an Order:

- (1) pursuant to Fed. R. Civ. P. 12(b)(6) dismissing the claims alleging violation of 47 U.S.C. § 227, *et seq.* for failure to state a claim;
- (2) pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6) dismissing the claims alleging violation of NY GBL § 399-p for lack of standing, lack of subject matter jurisdiction, and for failure to state a claim;
- (3) pursuant to Fed. R. Civ. P. 23(d)(1)(d), Fed. R. Civ. P. 12(b)(1), (b)(2), (b)(6) and (f) dismissing and/or striking the class allegations of the putative Federal Class and the putative New York Class for lack of standing, lack of subject matter jurisdiction, lack of personal jurisdiction and for failure to state a claim; and
- (4) for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Scheduling Order of July 12, 2018, Plaintiff shall serve opposition papers, if any, on or before August 10, 2018, and Defendants shall serve reply papers, if any, on or before August 17, 2018.

Dated: New York, New York
July 20, 2018

KLEIN MOYNIHAN TURCO LLP
Attorneys for Defendants

/s/ Neil E. Asnen
Neil E. Asnen, Esq. (NA 1863)
450 Seventh Avenue, 40th Floor
New York, NY 10123
nasnen@kleinmoynihan.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent via electronic mail to: **Todd C. Bank.**, the Law Office of Todd C. Bank, tblaw101@aol.com, Plaintiff *pro se*, and via first class mail to the Law Office of Todd C. Bank, 119-40 Union Turnpike, Fourth Floor, Kew Gardens, NY 11415, this 20th date of July, 2018.

/s/ Neil E. Asnen

Neil E. Asnen, Esq. (NA 1863)
450 Seventh Avenue, 40th Floor
New York, NY 10123
(212) 246-0900
nasnen@kleinmoynihan.com